



## State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHYSICAL THERAPY  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY  
*Governor*

DAVID SAMSON  
*Attorney General*  
RENI ERDOS  
*Director*

By Certified and Regular Mail

January 29, 2003

Mr. Ajay Sheth, PTA  
64-1 Oakwood Village  
Flanders, New Jersey 07836

*Mailing Address:*  
P.O. Box 45014  
Newark, NJ 07101  
(973) 504-6455

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. Sheth:

This letter is to advise you that the New Jersey State Board of Physical Therapy (the "Board") has had an opportunity to review information concerning your employment as a physical therapist assistant at Spine and Sports Medicine located at 250 Route 46E, Elmwood, Park, NJ.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 451-21(h) in that you failed to comply with N.J.A.C. 13:39A-2.3 because you continued to provide physical therapy treatment and engaged in the practice of physical therapy under the direction a physician or other health care provider without the direct supervision of a physical therapist. The board's information is that you continued to engage in physical therapy after the physical therapist, Eric Brummer, resigned his position with Spine and Sports Medicine in June 1997. Your testimony at an investigative inquiry confirmed that you provided physical therapy services including ultrasound, ice packs, administration of Vax-D treatments at the direction of Dr. Nabil Yazgi, a neurologist and Dr. Charles Bronder, a chiropractor and without the direction of a physical therapist from July 1997 through sometime in 1999 when you left the employ of Spine and Sports Medicine. Upon questioning by the Board you admitted that you were aware that a physical therapist assistant must perform physical therapy services under the direct supervision of a licensed physical therapist and shall not provide physical therapy treatment under the direction of a physician or other authorized health care provider without direct supervision of a physical therapist. In mitigation of your actions you advised the Board that you informed your employers to hire a physical therapist and you began looking for new employment. Additionally, your wife was in school during this time period and you needed to remain employed.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

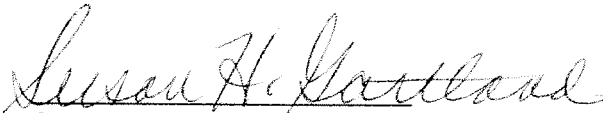
1. cease and desist from offering physical therapy services or treatment without the direct supervision of a licensed physical therapist.;
2. the issuance of a formal reprimand;
3. impose a penalty in the amount of \$2500. The Board will stay \$1500.00 and require payment of \$1000.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter); In the event that the Board finds that you violate any further provisions of the Physical Therapy practice act or regulations, the remaining \$1500.00 penalty is to become due and owing to the Board.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at (973) 648-3696.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF PHYSICAL  
THERAPY



Susan H. Gartland  
Executive Director

ACKNOWLEDGMENT: I, Ajay Sheth, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$1000 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.

  
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Ajay Sheth, P.T.A.

Dated:

cc: Carmen A. Rodriguez, Deputy Attorney General  
Michael Keating, Esquire